

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

JOANNE HARRIS, *et al.*,

Plaintiffs,

V.

ROBERT F. McDONNELL, JANET M.
RAINEY, and THOMAS E. ROBERTS,
in their official capacities

Defendants.

Civil Action No. 5:13-cv-00077

**STATE DEFENDANTS' MOTION FOR LEAVE
TO FILE BRIEF IN EXCESS OF TWENTY-FIVE PAGES**

COME NOW, State Defendants, Robert F. McDonnell, Governor of Virginia, and Janet M. Rainey, State Registrar of Vital Records, in their official capacities, by counsel, pursuant to this Court's Scheduling Order, (Doc. 43 at 3 of 5, ¶9), as this day amended, (Docs. 67-68), and request that they be permitted to file a brief in response to Plaintiffs' Motion for Summary Judgment, (Doc. 44), not to exceed seventy-five pages. The basis for this motion is that the Court has granted leave until October 24 to respond to Plaintiffs' enlarged brief, (Doc. 62), and additional pages over twenty-five are necessary for State Defendants to effectuate that response. Good cause is shown by the fact that the twenty-five pages permitted in the Scheduling Order is insufficient space to address this matter of great public significance and importance, as Plaintiffs acknowledge, (Doc. 50), or to respond to a brief of seventy-five pages.

Accordingly, State Defendants request that they be permitted to file a response to Plaintiffs' Motion for Summary Judgment not to exceed seventy-five pages on October 24, 2013.

Respectfully Submitted,

ROBERT F. McDONNELL and
JANET M. RAINEY,

in their official capacities

By: _____ /s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a copy to counsel of record.

/s/
E. Duncan Getchell, Jr.